EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

ONE STOCKDUQ HOLDINGS, LLC,

Plaintiff,

v.

BECTON, DICKINSON AND COMPANY,

Defendant.

Case No. 2:12-cv-03037-JPM-tmp

JURY TRIAL DEMANDED

<u>DEFENDANT BECTON, DICKINSON AND COMPANY'S CONSTRUCTIONS OF THE</u> <u>CLAIM TERMS IN DISPUTE AND SUPPORTING EVIDENCE</u>

Pursuant to Local Patent Rule 4.5(b), Defendant Becton, Dickinson and Company ("BD") hereby provides its constructions of the claim terms in dispute and supporting evidence. In accordance with LPR 4.5(b), BD has provided its proposed constructions of all terms BD has identified, as well as its proposed constructions for all terms Plaintiff One StockDuq Holdings, LLC ("One-SD") has identified. However, BD does not think that the terms identified by One-SD should be construed by the Court.

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
22, 31	One	"needle attachment body"	A body to which the	Intrinsic Evidence
	SD &	-	needle is attached that	'914 patent, col. 3:67-4:11
	BD		provides a protective	See also '914 patent, col. 1:45-50, col. 2:12-21, col.
			housing for the needle	2:43-44, col. 3:3-11; col. 3:22-29, col. 3:33-35, col.
			after it is retracted	3:60-65, col. 4:55-65, col. 7:54-57, col. 8:21-26, Figs.
				3-4, 9-10, 12
				Office Action dated Oct. 30, 1996 at 2, 5
				Amendment dated Feb. 21, 1997 at 5-7, 13, 15
				Office Action dated May 12, 1997 at 2
				Interview Summary dated June 2, 1997
				U.S. Patent No. 5,246,426 (Lewis), col. 4:30-35, col.
				4:63-col. 5:42, Figs. 1-6
				U.S. Patent No. 4,417,886 (Frankhouser), col. 3:24-28,
				Figs. 1-3
				Extrinsic Evidence
				J.Stocking email correspondence, ONE-SD004038-4042

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
22, 31	BD	"connected to said hub"	Joined to the catheter hub	Intrinsic Evidence '914 patent, col. 3:50-55, col. 6:63-67, Figs. 3-4, 9-10 See also '914 patent, col. 2:43-44, col. 3:60-65, col. 7:31-32 Office Action dated Oct. 30, 1996 at 2, 5 Amendment dated Feb. 21, 1997 at 5-7, 13,15 Office Action dated May 12, 1997 at 2 Interview Summary dated June 2, 1997 U.S. Patent No. 5,246,426 (Lewis), col. 4:30-35, col. 7:62-8:2, Figs. 1-6 U.S. Patent No. 4,447,235 (Clarke), col. 2:67-3:3, Figs. 1-6 U.S. Patent No. 4,417,886 (Frankhouser), col. 3:24-28, Figs. 1-3
				Extrinsic Evidence The American Heritage Dictionary 399 (3d ed. 1996)

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
22	BD	"flexible resilient diaphragmfor preventing the flow of a liquid"	a flexible, resilient seal that prevents the flow of a liquid	Intrinsic Evidence '914 patent, col. 4:24-30, col. 6:67-7:4, Figs. 3-5, 9-10 See also '914 patent, col. 2:12-15, col. 2:38-43, col. 4:30-45, col. 8:10-18 Office Action dated Oct. 30, 1996 at 2, 3, 5 Amendment dated Feb. 21, 1997 at 5-7, 11-13, 15 U.S. Patent No. 5,246,426 (Lewis), col. 7:14-20, col. 8:44-62, Fig. 4, 6C U.S. Patent No. 5,013,304 (Russell), col. 5:7-24, Figs. 5, 7 U.S. Patent No. 4,842,591 (Luther), col. 1:21-24, col. 2:18-23, Figs. 1-3
22	BD	"diaphragm attached between said body and a proximal end of said hub"	a seal that is held in place in a space that separates the needle attachment body and a proximal end of the catheter hub	Intrinsic Evidence '914 patent, col. 4:35-45, Figs. 3-5, 9-10 See also '914 patent, col. 4:24-30, col. 6:67-7:4, col. 8:10-18 Office Action dated Oct. 30, 1996 at 2, 5 Amendment dated Feb. 21, 1997 at 5-6, 11-13, 15 U.S. Patent No. 5,246,426 (Lewis), col. 7:14-20, col. 8:44-62, Fig. 4, 6C Extrinsic Evidence The American Heritage Dictionary 179-80 (3d ed. 1996)

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
22	BD	"at least one fenestration on a central portion thereof which communicates with a cannula of said introducer needle andwith said hub lumen"	one or more openings located closer to the center than to the ends of the needle that provides fluid flow from the needle cannula, through the opening(s) and into the hub when the openings are aligned with the hub	Intrinsic Evidence '914 patent, col. 3:67-4:6, col. 5:34-40, col. 8:37-41, Figs. 1-6, 9 See also '914 patent, col. 2:52-56, col. 5:26-30, col. 7:8- 14 Amendment dated Feb. 21, 1997 at 5-6, 13, 15 Office Action dated May 12, 1997 at 2 U.S. Patent No. 5,246,426 (Lewis), col. 6:56-7:13, col. 8:12, col. 8:63-68, col. 10:25-30, Figs. 6A-D, 8B U.S. Patent No. 4,525,157 (Vaillancourt), col. 6:35-39, col. 7:20-30, col. 4:28-30, Figs. 2-4,
31	BD	"diaphragm being attached to said hub to seal a proximal end of said hub lumen in a liquid tight manner"	a seal that is attached at the proximal end (closer to the clinician) of the catheter hub to prevent the flow of all liquid past the seal	Extrinsic Evidence U.S. Pub. No. 2005-0015059, par. [0023], Fig. 1 J.Stocking email correspondence, ONE-SD004038-4042 Intrinsic Evidence '914 patent, col. 4:24-30, col. 4:35-45, col. 6:67-7:4, Figs. 3-5, 9-10 See also '914 patent, col. 2:38-43, col. 4:30-35, col. 8:10-18 Office Action dated Oct. 30, 1996 at 2 Amendment dated Feb. 21, 1997 at 6-7, 11-12 U.S. Patent No. 5,246,426 (Lewis), col. 7:14-20, col. 8:44-62, Fig. 4, 6C

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
31	BD	"flexible, resilient	a flexible, resilient seal	Intrinsic Evidence
		diaphragmfor preventing	that prevents the flow of	'914 patent, col. 4:24-30, col. 6:67-7:4, Figs. 3-5, 9-10
		a liquidfrom flowing	liquid out of the catheter	See also '914 patent, col. 2:12-15, col. 2:38-43, col.4:
		through said diaphragm	hub	30-35, col. 8:10-18
		beyond said hub"		
				Office Action dated Oct. 30, 1996 at 2-3
				Amendment dated Feb. 21, 1997 at 5-7, 11-13, 15
				H.C. D. (1) 5.24(42(7) 1) 1.7.14.20 1
				U.S. Patent No. 5,246,426 (Lewis), col. 7:14-20, col.
				8:44-62, Fig. 4, 6C
				U.S. Patent No. 5,013,304 (Russell), col. 5:7-24, Figs. 5,
				U.S. Patent No. 4,842,591 (Luther), col. 1:21-24, col.
2.1	DD	%_ 1:: 11: -1- 1 1	41 1: 41	2:18-23, Figs. 1-3
31	BD	"a liquid which has been	there is liquid in the	Intrinsic Evidence
		introduced into said hub	catheter hub outside of the	'914 patent col. 5:34-40
		lumen from said catheter,	needle when the needle is	See also '914 patent, col. 5:55-58, col. 8:10-18, col.
		external to a needle which	penetrating the seal	8:37-41
		may be penetrating said		
		diaphragm and projecting		Office Action dated Oct. 30, 1996 at 2
		into said hub lumen"		Amendment dated Feb. 21, 1997 at 6-7, 11-13, 15

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
31	BD	"at least one fenestration on	one or more openings	Intrinsic Evidence
		a central portion thereof	located closer to the center	'914 patent, col. 3:67-4:6, col. 5:34-40, col. 8:37-41,
		which communicates with a	than to the ends of the	Figs. 1-6, 9-10
		cannula of said introducer	needle that provides fluid	See also '914 patent, col. 2:52-56, col. 5:26-30, col. 7:8-
		needle and with said hub	flow from the needle	14
		lumen"	cannula, through the	
			opening(s) and into the	Office Action dated Oct. 30, 1996 at 2
			hub when the openings are	Amendment dated Feb. 21, 1997 at 6-7, 11-13, 15
			aligned with the hub	Office Action dated May 12, 1997 at 2
				U.S. Patent No. 5,246,426 (Lewis), col. 6:56-7:13, col.
				8:12, col. 8:63-68, col. 10:25-30, Figs. 6A-D, 8B
				U.S. Patent No. 4,525,157 (Vaillancourt), col. 4:28-30,
				col. 6:35-39, col. 7:20-30, Figs. 2-4
				Extrinsic Evidence
				U.S. Pub. No. 2005-0015059, par. [0023], Fig. 1
				J.Stocking email correspondence, ONE-SD004038-4042

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
22	One	"Flexible resilient	a flexible, resilient seal	Intrinsic Evidence
	SD	diaphragm attached between	that is held in place in a	'914 patent, col. 4:24-30, 5:34-40, col. 6:67-7:4, Figs. 3-
		said body and a proximal	space that separates the	5, 9-10
		end of said hub proximal to	needle attachment body	See also '914 patent, col. 2:12-15, col. 2:38-43, col.
		said side access port for	and a proximal end (closer	4:30-45, col. 8:10-18
		preventing the flow of a	to the clinician) of the	
		liquid through said hub	catheter hub and is	Office Action dated Oct. 30, 1996 at 1-3, 5
		lumen past said side access	proximal to the side	Amendment dated Feb. 21, 1997 at 5-7, 11-13, 15
		port and through the	access port, and that	
		proximal end of said hub	prevents the flow of a	U.S. Patent No. 5,246,426 (Lewis), col. 7:14-20, col.
		external to said introducer	liquid that is external to a	8:44-62, Fig. 4, 6c
		needle cannula"	needle when the needle is	U.S. Patent No. 5,013,304 (Russell), col. 5:7-24, Figs. 5,
			penetrating the seal from	7
			flowing past the proximal	U.S. Patent No. 4,842,591 (Luther), col. 1:21-24, col.
			end of the catheter hub	2:18-23, Figs. 1-3
				Extrinsic Evidence
				The American Heritage Dictionary 179-80 (3d ed. 1996)

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
22	One	"At least one fenestration on	one or more openings	Intrinsic Evidence
	SD	a central portion thereof	located closer to the center	'914 patent, col. 3:67-4:6, col. 5:34-40, col. 8:37-41,
		which communicates with a	than to the ends of the	Figs. 1-6, 9-10
		cannula of said introducer	needle that provides fluid	See also'914 patent, col. 2:52-56, col. 5:26-30, col. 7:8-
		needle and, when said	flow from the needle	14
		introducer needle is in said	cannula, through the	
		operative position, with said	opening(s) and into the	Office Action dated Oct. 30, 1996 at 2
		hub lumen"	hub when the openings are	Amendment dated Feb. 21, 1997 at 5-7, 11-13, 15
			aligned with the hub in an	Office Action dated May 12, 1997 at 2
			operative position	
				U.S. Patent No. 5,246,426 (Lewis), col. 6:56-7:13, col.
				8:12, col. 8:63-68, col. 10:25-30, Figs. 6A-D, 8B
				U.S. Patent No. 4,525,157 (Vaillancourt), col. 4:28-30,
				col. 6:35-39, col. 7:20-30, Figs. 2-4
				Extrinsic Evidence
				U.S. Pub. No. 2005-0015059, par. [0023], Fig. 1
				J.Stocking email correspondence, ONE-SD004038-4042

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
31	One	"flexible, resilient	a flexible, resilient seal	Intrinsic Evidence
	SD	diaphragm which can be	that can be penetrated by a	'914 patent, col. 4:24-30, col. 5:34-40, col. 6:67-7:4,
		penetrated by a hypodermic	hypodermic needle, such	Figs. 3-5, 9-10
		needle, such as a catheter	as a catheter introducer	See also '914 patent, col. 2:12-15, col. 2:22-25, col.
		introducer needle, said	needle, the seal being	2:38-43, col. 4:30-45, col. 8:10-18
		diaphragm being attached to	attached at the proximal	
		said hub to seal a proximal	end (closer to the	Office Action dated Oct. 30, 1996 at 2-3, 5
		end of said hub lumen in a	clinician) of the catheter	Amendment dated Feb. 21, 1997 at 5-7, 11-13, 15
		liquid tight manner for	hub to prevent all liquid in	
		preventing a liquid which	the catheter hub outside of	U.S. Patent No. 5,246,426 (Lewis), col. 7:14-20, col.
		has been introduced into	the needle when the	8:44-62, Fig. 4, 6C
		said hub lumen from said	needle is penetrating the	U.S. Patent No. 5,013,304 (Russell), col. 5:7-24, Figs. 5,
		catheter, external to a needle	seal from flowing past the	7
		which may be penetrating	seal	U.S. Patent No. 4,842,591 (Luther), col. 1:21-24, col.
		said diaphragm and		2:18-23, Figs. 1-3
		projecting into said hub		
		lumen, from flowing		
		through said diaphragm		
		beyond said hub"		

Claim	Party	Claim Term	Proposed Construction	Supporting intrinsic and extrinsic evidence
31	One SD	"At least one fenestration on a central portion thereof which communicates with a cannula of said introducer	one or more openings located closer to the center than to the ends of the needle that provides fluid	Intrinsic Evidence '914 patent, col. 3:67-4:6, col. 5:34-40, col. 8:37-41, Figs. 1-6, 9-10 See also '914 patent, col. 2:52-56, col. 5:26-30, col. 7:8-
		needle and with said hub lumen and which is positioned distally of said diaphragm when said introducer needle is disposed in said operative position"	flow from the needle cannula, through the opening(s) and into the hub when the openings are aligned with the hub and located distally of the seal when the introducer needle is disposed in the operative position	Office Action dated Oct. 30, 1996 at 2 Amendment dated Feb. 21, 1997 at 5-7, 11-13, 15 Office Action dated May 12, 1997 at 2 U.S. Patent No. 5,246,426 (Lewis), col. 6:56-7:13, col. 8:12, col. 8:63-68, col. 10:25-30, Figs. 6A-D, 8B U.S. Patent No. 4,525,157 (Vaillancourt), col. 4:28-30, col. 6:35-39, col. 7:20-30, Figs. 2-4 Extrinsic Evidence U.S. Pub. No. 2005-0015059, par. [0023], Fig. 1 J.Stocking email correspondence, ONE-SD004038-4042